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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,534	12/28/2001	Nigel J. Tolson	034942-267	9804

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EXAMINER

WARE, CICELY Q

ART UNIT PAPER NUMBER

2634

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,534

Applicant(s)

TOLSON, NIGEL J.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because:
 - a. Pg. 8, lines 7 and 8. Examiner suggests applicant delete these lines for clarification purposes.Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities:
 - a. Pg. 3, line 16, examiner suggests applicant delete the second instance of "by" for clarification purposes.
 - b. Pg. 3, line 26, applicant uses the phrase "phase error signal in form of". Examiner suggests using "phase error signal in the form of" for clarification purposes. Appropriate correction is required.
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dent (US Patent 5,535,432).

(1) With regard to claim 1, Dent discloses a method for receiving multiple modes of RF signals according to different radio standards having differing channel spacings, including a first channel spacing in accordance with a first standard and a second channel spacing in accordance with a second standard, wherein the first channel spacing and the second channel spacing are not directly related by integer arithmetic (abstract, col. 1, lines 13-18, 23-27, col. 2, lines 6-8, 52-55, col. 7, lines 35-44), comprising: providing a reference frequency (col. 2, lines 9-12); using the reference frequency to generate channel frequencies for the first standard (col. 3, lines 9-13); frequency-multiplying the reference frequency by an integer number to produce a derived reference frequency (col. 4, lines 10-13); and generating channel frequencies for the other standard using a dual-modulus synthesizer and the derived reference frequency (col. 1, line 29, col. 4, lines 3-6, col. 2, lines 1-5, 52-55, 64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dent (US Patent 5,535,432), as applied to claim 1.

With regard to claim 2, claim 2 inherits all the limitations of claim 1. However Dent does not disclose the second standard is IS-136.

However examiner takes Official Notice that IS-136 can be used in a dual-mode receiver, because a dual-mode receiver requires employing different radio standards, depending on the frequency bands used.

Therefore it would have been obvious to one of ordinary skill in the art to modify Dent in view of examiner's Official Notice to incorporate IS-136 as a second standard in a dual-mode receiver because a dual-mode receiver requires the use of any two or more standards, the standards being dependent on the designer's frequency bands of choice.

Allowable Subject Matter

8. Claims 3-9 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a method for receiving multiple modes of RF

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signals according to different radio standards having differing channel spacings. Prior art references show similar methods but fail to teach: **“a programmable VCO divider circuit”**, as in claims 3 and 7.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
March 31, 2005


AMANDA T. LE
PRIMARY EXAMINER